



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,146	05/08/2001	Bruce Plotnick	WGATE13	1272
56015	7590	12/29/2005	EXAMINER	
PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/850,146	Applicant(s) PLOTNICK ET AL.	
	Examiner Reuben M. Brown	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims, filed 9/29/05 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas, (U.S. Pat # 5,666,645), in view of Boyer, (U.S. Pat # 6,268,849).

Considering amended claim 1, the claimed information service distribution system comprising:

‘at least a first provider of information to be broadcast to viewers, such that the provider periodically generates one or more information files and stores them in a provider storage

Art Unit: 2611

medium', reads on the disclosure in Thomas of the program schedule information providers that provide EPG schedule information through the data feeds 80, to the Automated Data Collection (DC) subsystem 10, which along with the main database 90 forms a centralized EPG management and distribution center, see col. 4, lines 1-6 & col. 5, lines 50-67; Fig.1 & Fig. 2. As for the first provider of information having a storage medium, Thomas teaches that the program schedule information providers transmit EPG data to the ADC 10, but does not specifically disclose the use of a storage medium at the site. Official Notice is taken that at the time the invention was made; maintaining a storage medium at an EPG provider was well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas to include a storage medium at the site of the program schedule information providers, for the known purpose of at least temporarily storing the EPG data before it is transferred to the main distribution center, and so that a copy may be maintained in order to distributed to another main distribution center.

'central server for receiving the information files from the provider storage medium, such that the central server has a plurality of storage locations', is met by the main database 90 and ADC 10, which operate as a centralized database, col. 4, lines 1-8; col. 6, lines 1-40.

'provider server for periodically transmitting the information files in the provider storage medium to the central server', reads on the EPG providers, since Thomas discloses that the program schedule information providers periodically transmit the EPG schedules to the ADC 10, via data feed 80; col. 4, lines 1-3; col. 5, lines 51-67.

‘at least a first local server for receiving the files from the central server and sending the files from the central server and sending the files to a corresponding CATV headend in a TV distribution system’ is met by the operation of the of the feed generation system 70, which transmits updated EPG data to one or more EPG providers, which may be a headend or super-headend, col. 9, lines 5-35; col. 10, lines 5-35; col. 11, lines 12-67 thru col. 12, lines 1-10 & Fig. 7.

As for the amended claimed feature of the files containing, ‘a plurality of static screens of information, such that each screen includes information pertaining to an area of interest’, Thomas does not discuss such a format. Nevertheless, Boyer teaches transmitting EPG data to subscriber(s) which includes web page, col. 3, lines 65-67; col. 5, lines 45-67. The EPG data in Boyer in the format of web pages reads on the claimed ‘static screens’. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas with the feature of EPG data in the format of web pages, for the advantage of providing users with a wider range of resources, as taught by Boyer, see col. 5, lines 59-67.

‘programming in the central server for periodically checking whether information files are present in any of the storage locations, and transferring any of the files to the local server’ is met by the discussion in Thomas, col. 6, lines 11-45; col. 11, lines 45-67, which teaches that the feed generation subsystem extracts EPG data from the main database 90, at least temporarily stores the EPG data in cache 720.

Regarding the additional claimed feature of, 'the area of interest being selected from the group consisting of sports, weather, local communities', Boyer teaches the claimed subject matter, see Fig. 4-6; col. 4, lines 12-25; col. 4, lines 44-55;

Considering claim 2, wherein the provider server includes programming that periodically checks whether the provider has transferred updated files to the provider storage mediums, and transmits the updated files to the central server', is met by the operation of the ADC 10, which

Considering claims 3 & 10, Thomas discloses that the various servers may at least communicate using a satellite link, which meets the requirement.

Considering claims 4 & 15, Thomas meets the claimed subject matter, col. 6, lines 11-40.

Considering claims 5 & 11, Thomas teaches that the system may operate on a UNIX platform, (col. 14, lines 1-14) but does not discuss the particular programming language. Official Notice is taken that at the time the invention was, the use of various programming languages such as PERL, C, JAVA, etc. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas to use any number of computer languages, such as C for instance, which is particularly suited for the UNIX platform, in order to have highly automated and programmed system.

Art Unit: 2611

Considering claims 6 & 16-17, the claimed feature of an editor for facilitating the review and approval of the content of the files prior to being sent to the headend, the operation of the manual entry & correction subsystem 20 and edit generation subsystem 40, meets the requirement, see Fig. 1; Fig. 4; Fig. 5; col. 7, lines 21-65 thru col. 8, lines 1-67 & col. 9.

Regarding claim 17, the manual entry and corrections subsystem 20, makes sure that the EPG data is verified before transmission, see col. 8, lines 3-45.

Considering claims 7 & 12, the claimed private network is met by the Feed Generation subsystem 70, see Fig. 7.

Considering claims 8, 13 & 20, Thomas is directed to an EPG delivery system, which would necessarily at least include channels for news and sports, and reads on the claim language, see col. 5, lines 51-67. Moreover, see Boyer, col. 4, lines 20-65 & Fig. 4-7.

Considering claim 9, the claimed information service distribution system comprises elements that correspond with the subject matter recited in the above rejection of claim 1, and are likewise treated. As for the additionally claimed feature of an editor for facilitating the review and approval of the content of the files prior to being sent to the headend, the operation of the manual entry & correction subsystem 20 and edit generation subsystem 40, meets the requirement, see Fig. 1; Fig. 4; Fig. 5; col. 7, lines 21-65 thru col. 8, lines 1-67 & col. 9.

Art Unit: 2611

Considering claim 14, the claimed method for broadcasting information in a TV distribution system comprises steps that correspond with elements mentioned in the above rejection of claim 1, and are likewise treated.

Considering claims 18-19, regarding the format of the data files, Thomas only discusses that the files may be transmitted using MPEG 2, col. 11, lines 21-45. Nevertheless, Boyer teaches transmission of data files using JPEG and/or HTML col. 6, lines 1-22. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Thomas to transmit data files using JPEG, as taught by Boyer at least for the known benefits of compression of still image images, and HTML for the desirable advantage of a more interactive user interface, for the customer.

Considering claims 21, 25 & 29, the claimed method steps for broadcasting over a TV distribution system, comprises elements that correspond with subject matter mentioned above in claim 1, are likewise treated. As for the additional feature of HTML files, Boyer provides that claimed subject matter, see col. 5, lines 45-60; col. 6, lines 36-62; col. 7, lines 54-64.

As for the computer readable medium recited in claim 29, both Thomas & Boyer are directed to computerized system and thus meets the claimed subject matter.

Considering claims 22 & 26, Boyer teaches that system uses JPEG format, col. 6, lines 5-12.

Considering claims 23 & 27, the claimed subject matter reads on the update (dynamic) information in Boyer, col. 9, lines 28-65.

Considering claims 24 & 28, the claimed subject matter reads on the validation protocol in Thomas, col. 12, lines 25-65.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) LaJoie Teaches EPG data transmitted in Internet format.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2611

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


HAITRAN
PRIMARY EXAMINER